SEP 2 3 1983

T 22.23:982/48

November 29, 1982
Bulletin No. 1982-48

Internal Revenue bulletin

IES 684

ORIGINAL

Highlights of this Issue

These synopses are intended only as aids to the reader in identifying the subject matter covered. They may not be relied upon as authoritative interpretations.

INCOME TAX

Rev. Rul. 82-201, page 5.
Political contributions; book purchased from political party. The purchaser of a book sold by a local committee of a national political party, at a price greater than its fair market value, makes a political contribution to the committee equal to the difference between the sales price of the book and its fair market value.

Rev. Rul. 82-202, page 5.
Discharge of indebtedness; prepayment of mortgage balance at discount. An individual taxpayer realizes discharge of indebtedness income under section 61(a)(12) of the Code upon the discounted prepayment to a lender of all or a portion of mortgage indebtedness. The amount of the discount is includible whether the mortgage note is recourse or nonrecourse.

Rev. Rul. 82-203, page 6.
Homeowners association; revocation of election. A homeowners association may not revoke elections made under section 528 of the Code in previous tax years in order to obtain the benefit of a net operating loss incurred in a subsequent tax year.

Rev. Rul. 82-204, page 7.
Capital assets; corporation; homes purchased from employees under relocation plan. Homes purchased under a home-buying plan by a corperation to assist relocating employees in the sale of their personal residences, when sold by the corporation are capital assets within the meaning of section 1221 of the Code.

Rev. Rul. 82-206, page 10.
Making and signing of returns; minor child. A minor child is responsible for making its own tax returns. If, however, the minor is unable to make a return due to age or other reasons, the parent or guardian must make and sign the return.

T.D. 7841, page 8.
Temporary regulations under section 1256 of the Code extend the date by which taxpayers must conform elections relating to tax straddles from November 1, 1982, to February 1, 1983. This extension also applies to the returns of flow through entities that must supply information concerning futures contracts transactions.

T.D. 7842, page 10.
Amendments to the regulations under sections 1441 and 6013 of the Code relating to the relationship of the election by a nonresident alien individual to be treated as a U.S. resident and U.S. income tax treaties.

Notice 82-21, page 20.
Countries that require participation in, or cooperation with, an international boycott are listed.

Announcement 82-149, page 21.
An extension of time has been granted for making certain elections under section 338(g) of the Code.

(Continued on page 4)

Finding List begins on page 25.
Announcement of Disbarments and Suspensions begin on page 22.
Announcement of Notice of Proposed Rulemaking on page 24.

Department of the Treasury
Internal Revenue Service

COMPLETED

Statement of Principles of Internal Revenue Tax Administration

The function of the Internal Revenue Service is to administer the Internal Revenue Code. Tax policy for raising revenue is determined by Congress.

With this in mind, it is the duty of the Service to carry out that policy by correctly applying the laws enacted by Congress; to determine the reasonable meaning of various Code provisions in light of the Congressional purpose in enacting them; and to perform this work in a fair and impartial manner, with neither a government nor a taxpayer point of view.

At the heart of administration is interpretation of the Code. It is the responsibility of each person in the Service, charged with the duty of interpreting the law, to try to find the true meaning of the statutory provision and not to adopt a strained construction in the belief that he is "protecting the revenue." The revenue is properly protected only when we ascertain and apply the true meaning of the statute.

The Service also has the responsibility of applying and administering the law in a reasonable, practical manner. Issues should only be raised by examining officers when they have merit, never arbitrarily or for trading purposes. At the same time, the examining officer should never hesitate to raise a meritorious issue. It is also important that care be exercised not to raise an issue or to ask a court to adopt a position inconsistent with an established Service position.

Administration should be both reasonable and vigorous. It should be conducted with as little delay as possible and with great courtesy and considerateness. It should never try to overreach, and should be reasonable within the bounds of law and sound administration. It should, however, be vigorous in requiring compliance with law and it should be relentless in its attack on unreal tax devices and fraud.

Introduction

The Internal Revenue Bulletin is the authoritative instrument of the Commissioner of Internal Revenue for announcing official rulings and procedures of the Internal Revenue Service and for publishing Treasury Decisions, Executive Orders, Tax Conventions, legislation, court decisions, and other items of general interest. It is published weekly and may be obtained from the Superintendent of Documents on a subscription basis. Bulletin contents of a permanent nature are consolidated semiannually into Cumulative Bulletins, which are sold on a single-copy basis.

It is the policy of the Service to publish in the Bulletin all substantive rulings necessary to promote a uniform application of the tax laws, including all rulings that supersede, revoke, modify, or amend any of those previously published in the Bulletin. All published rulings apply retroactively unless otherwise indicated. Procedures relating solely to matters of internal management are not published; however, statements of internal practices and procedures that affect the rights and duties of taxpayers are published.

Revenue rulings represent the conclusions of the Service on the application of the law to the pivotal facts stated in the revenue ruling. In those based on positions taken in rulings to taxpayers or technical advice to Service field offices, identifying details and information of a confidential nature are deleted to prevent unwarranted invasions of privacy and to comply with statutory requirements.

Rulings and procedures reported in the Bulletin do not have the force and effect of Treasury Department Regulations, but they may be used as precedents. Unpublished rulings will not be relied on, used, or cited as precedents by Service personnel in the disposition of other cases. In applying published rulings and procedures, the effect of subsequent legislation, regulations, court decisions, rulings, and procedures must be considered, and Service personnel and others concerned are cautioned against reaching the same conclusions in other cases unless the facts and circumstances are substantially the same.

The Bulletin is divided into four parts as follows:

Part I.—1954 Code.

This part includes rulings and decisions based on provisions of the Internal Revenue Code of 1954.

Part II.—Treaties and Tax Legislation.

This part is divided into two subparts as follows: Subpart A, Tax Conventions, and Subpart B, Legislation and Related Committee Reports.

Part III.—Administrative, Procedural, and Miscellaneous.

To the extent practicable, pertinent cross references to these subjects are contained in the other Parts and Subparts.

Part IV.—Items of General Interest.

With the exception of the disbarment and suspension list included in this part, none of these announcements is consolidated in the Cumulative Bulletins.

The first Bulletin for each month includes an index for the matters published during the preceding month. These monthly indexes are cumulated on a quarterly and semiannual basis, and are published in the first Bulletin of the succeeding quarterly and semi-annual period, respectively.

The Bulletin Index-Digest System, a research and reference service supplementing the Bulletin, may be obtained from the Superintendent of Documents on a subscription basis. It consists of four Services: Service No. 1, Income Tax; Service No. 2, Estate and Gift Taxes; Service No. 3, Employment Taxes; Service No. 4, Excise Taxes. Each Service consists of a basic volume and a cumulative supplement that provide (1) finding lists of items published in the Bulletin, (2) digests of revenue rulings, revenue procedures, and other published items, and (3) indexes of Public Laws, Treasury Decisions, and Tax Conventions.

The contents of this publication are not copyrighted and may be reprinted freely. A citation of the Internal Revenue Bulletin as the source would be appropriate.

For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Prices: Domestic—$4.00 a single copy, $95.00 a year subscription; Foreign—$5.00 a single copy, $118.75 a year for subscription.

Highlights of this Issue—Continued

(Continued from page 1)

EMPLOYEE PLANS

T.D. 7845, page 12.
An amendment to the regulations under section 6104 of the Code relates to public inspection of applications for tax exemption and applications for determination of the qualification of pension and other plans.

EXEMPT ORGANIZATIONS

T.D. 7845, page 12.
An amendment to the regulations under section 6014 of the Code relates to public inspection of applications for tax exemption and application for determination of the qualification of pension and other plans.

Announcement 82-148, page 21.
A list is given of organizations now classified as private foundations.

EXCISE TAXES

Rev. Rul. 82-205, page 8.
Windfall profit tax; withholding; division orders. The holder of an oil and gas division order who is required by the order to take title to the oil is a first purchaser required to withhold and deposit crude oil windfall profit tax on oil payments it disburses. Holders of division orders who do not take title to the oil are not first purchasers, but may qualify to elect to act as first purchaser.

Section 41.—Contributions to Candidates for Public Office

25 CFR 1.41-0: Credit or deduction for political and newsletter fund contributions—scope and note.

Political contributions; book purchased from political party. The purchaser of a book sold by a local committee of a national political party, at a price greater than its fair market value, makes a political contribution to the committee equal to the difference between the sales price of the book and its fair market value.

Rev. Rul. 82-201

ISSUE

Whether the purchase price of a book sold to an individual taxpayer is allowable as a credit for a political contribution under section 41 of the Internal Revenue Code in the circumstances described below.

FACTS

X is an organization described in section 41(c)(1)(E) of the Code, a local committee of a national political party as designated by the state committee of such party. To stimulate political thought and to raise funds, *X* sells a book that describes the history of the party and contains a collection of political essays written by prominent party members. The books are sold by *X* directly to the public for 10*x* dollars and have a reasonably estimated fair market value of 6*x* dollars.

LAW AND ANALYSIS

Section 41(e) of the Code provides that in the case of an individual, there is allowed as a credit, subject to the limitations of subsection (b), an amount equal to one-half of all political contributions and all newsletter fund contributions, payment of which is made by the taxpayer within the taxable year.

Section 41(b) of the Code provides that the maximum credit allowed by subsection (a) for a taxable year shall not exceed $50 ($100 in the case of a joint return).

Section 41(c)(1)(E) of the Code defines a political contribution as a contribution or gift of money to a local committee of a national political party as designated by the state committee of the party.

The facts here, are similar to those situations in which an individual makes a charitable contribution to an organization described in section 170(c) of the Code and receives a tangible item of consideration in return for the contribution. Rev. Rul. 67-246, 1967-2 C.B. 104, Example 11, concludes that the difference between the amount of a cash contribution made by an individual to a charity and the fair market value of a radio received as consideration for the contribution is allowable as a deduction under section 170 of the Code.

Accordingly, one-half of the excess of the price paid by an individual to *X* for the book over the book's fair market value is allowable as a credit for a political contribution under section 41 of the Code.

HOLDING

2*x* dollars, one-half of the excess of the purchase price paid by an individual to *X* for the book (10*x* dollars) over the fair market value of the book (6*x* dollars), is allowable as a credit for a political contribution, subject to the limitations of section 41(b) of the Code. The amount that is allowable as a credit and the amount attributable to the purchase of the book which may not be credited should be clearly indicated by *X* to each purchaser of the book.

Section 61.—Gross Income Defined

26 CFR 1.61-1: Gross income.

Whether a gain from the sale of a house purchased by the taxpayer under its employee relocation program is treated as capital gains. See Rev. Rul. 84-204, page 7.

---

26 CFR 1.61-12: Income from discharge of indebtedness.
(Also Section 108; 1.108(a)-1.)

Discharge of indebtedness; prepayment of mortgage balance at discount. An individual taxpayer realizes discharge of indebtedness income under section 61(a)(12) of the Code upon the discounted prepayment to a lender of all or a portion of mortgage indebtedness. The amount of the discount is includible whether the mortgage note is recourse or nonrecourse.

Rev. Rul. 82-202

ISSUE

Does a taxpayer realize income when the taxpayer prepays the mortgage on the taxpayer's residence at less than the principal balance, under the circumstances described below?

FACTS

In order to reduce the number of its low-interest mortgages, a financial institution offered a 10-percent discount to each individual with an existing low-interest mortgage on a personal residence who would prepay the balance. The taxpayer who had borrowed money from the financial institution in order to purchase a residence from a third party paid the financial institution 18*x* dollars in full payment of the taxpayer's note and mortgage when the mortgage balance was 20*x* dollars. The fair market value of the residence was greater than the principal balance at the time of the transaction, and the taxpayer was financially solvent both before and after the mortgage prepayment. The taxpayer was not personally liable to the financial institution on the mortgage indebtedness.

LAW AND ANALYSIS

Under section 61(a)(12) of the Internal Revenue Code, gross income includes income from the discharge of indebtedness, except as otherwise provided by law.

Section 1.61-12 of the Income Tax Regulations provides that a taxpayer may realize income by the payment or purchase of the taxpayer's obligations at less than their face value.

Section 108(a)(1) of the Code excludes from a taxpayer's gross income any amount realized from the discharge of indebtedness, but only if (A) the discharge occurs in a title 11 case, (B) the discharge occurs when the taxpayer is insolvent, or (C) the indebtedness discharged is qualified business indebtedness.

In *United States v. Kirby Lumber Co.*, 284 U.S. 1 (1931), X-2 C.B. 356 (1931), which involved a corporation that purchased its own bonds at less than their issue price, the Supreme Court of the United States held that a taxpayer-debtor realizes ordinary income upon the payment or purchase of its obligation in an arm's length transaction at less than its face amount.

The cancellation or reduction of a liability incurred on the purchase of property is subject to the same rules as cancellation of other debts and is considered to produce taxable income under section 1.61-12(a) of the regulations and *Kirby Lumber* unless the transaction is specifically excepted.

The facts here do not involve the bankruptcy, insolvency, or a qualified business indebtedness of the taxpayer. Thus, the specific exclusions provided by section 108(a) do not apply.

HOLDING

The taxpayer realizes 2x dollars of ordinary income upon the prepayment of the principal balance on the mortgage.

The taxpayer would also realize ordinary income if (1) a discount was received for the prepayment of only a portion of the outstanding balance rather than the entire balance, or (2) the taxpayer was personally liable to the financial institution on the mortgage indebtedness.

Section 108.—Income From Discharge of Indebtedness

26 CFR 1.108(a)-1: Income from discharge of indebtedness.

Whether the amount of a mortgage debt discharged upon prepayment of the mortgage is excludable from gross income. See Rev. Rul. 82-202, page 5.

Section 165.—Losses

26 CFR 1.165-1: Losses.

Whether losses from the sale of houses purchased by a taxpayer under its employee relocation program are ordinary losses. See Rev. Rul. 82-204, page 7.

Section 528.—Certain Homeowners Associations

26 CFR 1.528-8: Election to be treated as a homeowners association.

Homeowners association; revocation of election. A homeowners association may not revoke elections made under section 528 of the Code in previous tax years in order to obtain the benefit of a net operating loss incurred in any subsequent tax year.

Rev. Rul. 82-203

ISSUE

Will a homeowners association be permitted to revoke elections made under section 528 of the Internal Revenue Code in previous tax years in order to obtain the benefit of a net operating loss incurred in a subsequent tax year?

FACTS

X, a condominium management association, made elections under section 528 of the Code to be taxed as a homeowners association by filing Form 1120-H (U.S. Income Tax Return for Homeowners Associations) for the 1978, 1979, and 1980 tax years. In 1978, 1979, and 1980 *X* had taxable income. In 1981 *X* incurred a net operating loss and filed a Form 1120 (U.S. Corporation Income Tax Return) for that year. In order to carryback the net operating loss of 1981 to the 1978, 1979, and 1980 tax years, *X* requested permission to revoke its elections under section 528 for those years.

LAW AND ANALYSIS

Section 528 of the Code generally provides that certain homeowners associations may elect to be treated as tax-exempt organizations, but only to the extent of their exempt function income. Exempt function income consists solely of amounts received as membership dues, fees, or assessments from owners of residential units or residential lots.

Section 528 (d)(2)(B) of the Code provides that no net operating loss deduction shall be allowed under section 172.

Section 1.528-8(a) of the Income Tax Regulations provides that a separate election to be treated as a homeowners association under section 528 of the Code must be made for each tax year. The election is made by the filing of a properly completed Form 1120-H.

Section 1.528-8(f)(1) of the regulations provides that an election to be treated as an organization described in section 528 of the Code is binding on the organization for the tax year and may not be revoked without the consent of the Commissioner.

In the present situation, *X* requested permission to revoke its previous elections under section 528 of the Code for the 1978, 1979, and 1980 tax years because it wanted to carryback to those years its net operating loss incurred in 1981. Thus, *X*'s request was triggered by an event that occurred after the time for filing the Form 1120-H for 1978, 1979, and 1980. This situation is analogous to those situations concerning taxpayers who, having deliberately chosen not to make particular elections provided for by the regulations, subsequently seek extensions of time under section 1.9100-1 of the regulations in which to make the elections. Under section 1.9100-1 the Commissioner has discretion, upon showing of good cause by the taxpayer, to grant a reasonable extension of the time fixed by the regulations for making an election provided, certain conditions are satisfied. Rev. Proc. 79-63, 1979-2 C.B. 578, which discusses the application of section 1.9100-1, indicates that an extension would not be granted to a taxpayer that used or had the opportunity to use hindsight to the Government's prejudice by actions based on knowledge of events occurring after the time when the taxpayer would have had to act in order to timely make the election. Similar considerations will be applied in determining whether taxpayers may revoke previous elections made under section 528. In the present situation, *X* wants to take advantage of hindsight, at the Government's expense, by revoking its elections for the prior years. The net operating loss occurred after *X* had filed its Forms 1120-H and clearly had no bearing in *X*'s decision to make the elections.

HOLDING

X will not be permitted to revoke elections made under section 528 of the Code in previous tax years in order to obtain the benefit of a net operating loss incurred in a subsequent tax year.

Section 1211.—Limitation On Capital Losses

26 CFR 1.1211-1: Limitation on capital losses.

Whether losses from the sale of a house purchased by a taxpayer under its employee relocation program are limited under this section. See Rev. Rul. 82-204, below.

Section 1221.—Capital Asset Defined

26 CFR 1.1221-1: Meaning of terms. (Also Sections 61, 165, 1211, 7805; 1.61-1, 1.165-1, 1.1211-1, 301.7805-1.

Capital assets; corporation; homes purchased from employees under relocation plan. Homes purchased under a home-buying plan by a corporation to assist relocating employees in the sale of their personal residences, when sold by the corporation are capital assets within the meaning of section 1221 of the Code.

Rev. Rul. 82-204

ISSUE

Are the homes sold by the taxpayer capital assets within the meaning of section 1221 of the Internal Revenue Code?

FACTS

The taxpayer, a corporation with manufacturing plants and offices located throughout the United States, regularly transfers employees in the course of its business operations. The taxpayer established an employee relocation program to assist the transferring employees with the sale of their personal residences.

The taxpayer instituted a home-buying plan as part of its employee relocation program. Under the home-buying plan, the transferring full-time employees may sell their permanent residences to the taxpayer. The taxpayer will purchase the homes from the employees at an average determined from appraisals by two independent real estate appraisers. One appraiser is selected by the taxpayer and one is selected by the employee and approved by the taxpayer. The taxpayer instituted this procedure to ensure that the employee would not receive more than the fair market value for the home sold to the taxpayer.

During 1980, the taxpayer purchased several homes from transferring full-time employees at the average of their appraised values. After purchasing each home, the taxpayer immediately offered it for sale to the general public directly or through a real estate agent. No improvements were made to the homes. The taxpayer did not intend to hold the homes for investment purposes but wanted to sell them as soon as possible. The taxpayer held the homes for various time periods that extended up to a year before suitable buyers were found. In 1980 the taxpayer realized under section 1001(a) of the Code both gains and losses from the sale of the homes.

LAW AND ANALYSIS

Section 61(a)(3) of the Code provides that gross income means all income from whatever source derived, including (but not limited to) gains derived from dealings in property.

Section 1201 of the Code provides an alternative tax for corporations when sales or exchanges of capital assets produce a net capital gain.

Section 165(a) of the Code provides that a deduction is allowed for any loss sustained during the tax year that is not compensated for by insurance or otherwise.

Section 165(f) of the Code provides that losses from the sale or exchange of capital assets are allowed only to the extent allowed by sections 1211 and 1212.

Section 1211(a) of the Code provides that, in the case of a corporation, losses from the sales or exchanges of capital assets shall be allowed only to the extent of gains from the sales or exchanges.

Section 1221 of the Code provides that the term "capital asset" means property held by a taxpayer, whether or not connected with the taxpayer's trade or business, unless the property is covered by an enumerated exception. Two relevant exceptions are property held as (1) stock in trade of the taxpayer or other property of a kind that would properly be included in inventory if on hand at the close of the tax year, or property held by the taxpayer primarily for sale to customers in the ordinary course of a trade or business; or (2) property, used in a trade or business, of a character that is subject to the allowance for depreciation provided in section 167, or real property used in a trade or business.

A further exception was established in *Corn Products Refining Co. v. Commissioner*, 350 U.S. 46 (1955), Ct.D. 1787, 1955-2 C.B. 511, in which the United States Supreme Court stated that Congress intended profits and losses arising from the everyday operation of a business to be considered ordinary income or loss rather than capital gain or loss. The taxpayer in *Corn Products* engaged in transactions in corn futures, which were found to be an integral part of its business operation. The corn futures were held, therefore, not to be capital assets, even though they did not fall within any of the classes of property specifically excluded from the statutory definition of a capital asset. As a result, any profit or loss from the sale of the corn futures resulted in ordinary income or loss.

In the present situation, the property purchased by the taxpayer meets none of the exceptions discussed above. It is not stock in trade or property held primarily for sale to customers in the ordinary course of business. It is not property used in a trade or business that is subject to the allowance for depreciation. Finally, it is not property that is purchased and sold as an integral part of the taxpayer's business operations within the scope of the *Corn Products* doctrine.

HOLDING

The homes sold by the taxpayer are capital assets within the meaning of section 1221 of the Code.

PROSPECTIVE APPLICATION

Under the authority of section 7805 (b) of the Code, this revenue ruling will not be applied adversely to a taxpayer with respect to the taxpayer's sale of a residence acquired from an employee as part of an employee relocation program if the residence was acquired before November 29, 1982, or thereafter pursuant to a binding written agreement in effect on November 29, 1982, which continued in effect to the date the residence was acquired from the employee.

Section 1256.—Regulated Futures Contracts Marked to Market

26 CFR 5c.1256-1: Election with respect to property held on June 23, 1981, under section 508(c) of the Economic Recovery Act of 1981.

T.D. 7841

TITLE 26.—INTERNAL REVENUE.—CHAPTER I, SUBCHAPTER A, PART 5c—TEMPORARY INCOME TAX REGULATIONS UNDER THE ECONOMIC RECOVERY TAX ACT OF 1981

Extension of time to conform elections relating to tax straddles

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary income tax regulations that extend the date by which taxpayers must conform returns that made an election regarding tax straddles.

DATES: These regulations extend the date by which taxpayers must conform returns that made an election under §5c.1256-1 or §5c.1256-2 from November 1, 1982, until February 1, 1983.

FOR FURTHER INFORMATION CONTACT: Barry L. Wold of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3828).

SUPPLEMENTARY INFORMATION:

BACKGROUND AND GENERAL EXPLANATION

This document amends the temporary income tax regulations published in the Federal Register on Thursday, September 2, 1982 (47 FR 38688) [T.D. 7826, 1982-41 I.R.B. 8] relating to two elections under sections 508(c) and 509 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34, 1981-2 C.B. 256, 341]. These regulations extend the date by which taxpayers must conform returns that make an election under §5c.1256-1 (relating to election with respect to property held on June 23, 1981, under section 508(c) of the Economic Recovery Tax Act of 1981) or §5c.1256-2 (relating to election with respect to taxable years beginning before June 23, 1981, and ending after June 22, 1981, under section 509 of the Economic Recovery Tax Act of 1981) from November 1, 1982, until February 1, 1983. This same extension also applies to the returns of flowthrough entities which must supply information concerning futures contracts transactions to taxpayers.

NON-APPLICABILITY OF EXECUTIVE ORDER 12291

The Treasury Department has determined that this temporary regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

REGULATORY FLEXIBILITY ACT

No general notice of proposed rulemaking is required by 5 U.S.C. 553 (b) for temporary regulations. Accordingly, the Regulatory Flexibility Act does not apply and no Regulatory Flexibility Analysis is required for this rule.

DRAFTING INFORMATION

The principal author of these regulations is Barry L. Wold of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

* * * * *

Adoption of amendments to the regulations

Accordingly, the following amendments are made to Part 5c of Title 26 of the Code of Federal Regulations:

Paragraph 1. Section 5c.1256-1(b) is amended by removing "November 1, 1982", and inserting in lieu thereof "February 1, 1983".

Par. 2. Section 5c.1256-2(b) is amended by removing 'November 1, 1982", and inserting in lieu thereof "February 1, 1983."

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805) and in sections 508(c) and 509 of the Economic Recovery Tax Act of 1981 (95 Stat. 333-335).

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved October 27, 1982.

J. Greg Ballentine,
Acting Assistant Secretary of the Treasury.

(Filed by the Office of the Federal Register on October 27, 1982, 4:01 p.m., and published in the issue of the Federal Register for November 1, 1982, 47 F.R. 49391)

Section 1441.—Withholding of Tax on Nonresident Aliens

26 CFR 1.1441-6: Withholding pursuant to the application of a tax treaty which confers a reduced rate of, or exemption from, United States income tax.

The relationship of the election by a nonresident alien individual to be treated as a resident and U.S. income tax treaties. See T.D. 7842, page 10.

Section 4986.—Imposition of Tax

26 CFR 150.4986-1: Imposition of tax.

Whether the holder of an oil and gas division order is a first purchaser for purposes of the crude oil windfall profit tax. See Rev. Rul. 82-205, below.

Section 4995.—Withholding; Depositary Requirements

26 CFR 150.4995-1: Requirement of withholding.
(Also Section 4986; 150.4986-1.)

Windfall profit tax; withholding; division orders. The holder of an oil and gas division order who is required by

the order to take title to the oil is a first purchaser required to withhold and deposit crude oil windfall profit tax on oil payments it disburses. Holders of division orders who do not take title to the oil are not first purchasers, but may qualify to elect to act as first purchaser.

Rev. Rul. 82-205

ISSUE

In the situations described below, is the holder of an oil and gas division order a first purchaser for purposes of the crude oil windfall profit tax withholding requirements of section 4995 of the Internal Revenue Code?

FACTS

Situation 1

X holds an oil and gas division order for an oil and gas property. A division order is an agreement that provides for the apportionment of oil and gas production, or the proceeds from it, among the owners of interests in an oil and gas property. A holder of a division order is responsible for distributing the proceeds from the sale of the oil and gas. *X* is neither a producer nor an operator of the property. A producer generally is a holder of an economic interest in the property. An operator generally is the person primarily responsible for the management and operation of production on the property.

Under the division order held by *X*, *X* is required to purchase all the oil produced from the property. The oil becomes the property of *X* when it is received by the carrier designated by *X*. Under the terms of the division order, *X* agrees to pay for the oil at the market price posted by *X* for oil of the same grade and gravity in the same producing areas.

The division order also provides that *X* may resell the oil to another purchaser prior to the time the oil becomes *X*'s property. In such a situation, the oil becomes the property of *X* when it is received by the carrier designated by the other purchaser. Further, *X* agrees to pay for the oil based on the volume computation made by the other purchaser and at the price received by *X* for the oil.

Situation 2

Y, an operator of crude oil property, holds a division order for the property. Under the division order, *Y* arranges the sale of all oil produced from the property, receives payment for it, and distributes the proceeds to the various interest holders. *Y* is neither a producer nor an actual purchaser of oil from the property. However, *Y* regularly purchases, from operators and producers, crude oil from several other oil fields and reservoirs. Because *Y* is the first purchaser of oil from these other properties, *Y* must withhold tax from its payments for the oil from these other properties and deposit the withheld tax as required by section 4995 of the Code.

Situation 3

Z, both a producer and the operator of a crude oil property, holds an oil and gas division order for the property. *Z*, as a producer, has a 25% interest in the property. Under the division order, *Z* is required to receive payment from the purchaser of the oil and to disburse the entire proceeds among the various interest holders in proportion to their interests. *Z* does not purchase crude oil from operators or producers of other oil fields and reservoirs.

LAW AND ANALYSIS

Section 4986 of the Code imposes a tax on the windfall profit from taxable crude oil removed from the premises. The tax is to be paid by the producer of the crude oil.

Section 4995(a)(1) of the Code requires, except to the extent provided in regulations, that the first purchaser of any domestic crude oil withhold a tax equal to the tax imposed by section 4986 form amounts payable by the purchaser to the producer of the oil.

Section 4995(a)(7) of the Code allows the purchaser of crude oil and the operator of the property from which it is produced to make a joint election to substitute the operator for the purchaser for purposes of the withholding requirements of section 4995(a)(1) and the depositary requirements of section 4995(b). However, under section 4995(a)(7), the Secretary may, by regulations, limit this election.

Section 150.4995-4 of the Temporary Regulations under the Crude Oil Windfall Profit Tax Act of 1980 provides rules for making the joint election and limits the election to circumstances in which the operator is otherwise required to make deposits as a purchaser of oil from another reservoir.

Section 150.4995-5 of the temporary regulations allows a "qualified disburser" to elect (1) to act as a withholding agent where it distributes the sales proceeds for the oil that is sold and (2) to be treated as the purchaser of the oil for purposes of the windfall profit tax. Under section 150.4995-5(b) a qualified disburser includes a disburser who distributes 10 percent or more of the entire proceeds from the sale of oil from a property, exclusive of its own share of the proceeds.

In situation 1, *X* is required by the division order to purchase all the crude oil produced from the property subject to the order and to pay for the oil at the price currently posted by *X* or, in the case of an immediate resale, the price received by *X* on the resale of the crude oil. The division order in this situation is, in effect, a sales agreement as well as an agreement on the distribution of proceeds from the production of oil.

In situation 2, *Y* does not purchase or otherwise take title to the oil subject to the division order, but *Y* does purchase oil from other reservoirs. *Y* also meets the definition of a qualified disburser under section 150.4995-5(b) of the temporary regulations because it distributes 10 percent or more of the entire proceeds of the property.

In situation 3, *Z* does not purchase any of the oil subject to the division order, but, unlike *Y* in situation 2, *Z* is not a purchaser of crude oil from other reservoirs. *Z* does, however, meet the definition of a qualified disburser under section 150.4995-5(b) of the temporary regulations because it distributes 10 percent or more of the entire proceeds of the property, exclusive of its own share of the proceeds.

HOLDING

Situation 1

X is the first purchaser of all crude oil covered by the division order. As such, *X* is required to withhold and deposit windfall profit tax on the oil purchased under that order.

Situation 2

Y is not the actual first purchaser of the crude oil covered by the division order. However, as an operator otherwise required to make deposits as a purchaser of oil from a different reservoir, *Y* may make a joint election with the purchaser under section 4995(a)(7) of the Code to be treated as the first purchaser and to withhold and deposit windfall profit tax on the oil covered by the division order. *Y* is also eligible to make the election under section 150.4995-5 of the temporary regulations to act as a withholding agent for the property.

Situation 3

Z is not the actual first purchaser and, unlike *Y*, does not purchase oil from another reservoir. Therefore, *Z* may not make a joint election under section 4995(a)(7) of the Code. However, as a qualified disburser, *Z* may exercise the election under section 150.4995-5 of the temporary regulations to act as a withholding agent for the property.

Section 6012.—Persons Required to Make Returns of Income

26 CFR 1.6012-1: Individuals required to make returns of income.
(Also Section 6061; 1.6061-1).

Making and signing of returns; minor child. A minor child is responsible for making its own tax return. If, however, the minor is unable to make a return due to age or other reasons, the parent or guardian must make and sign the return.

Rev. Rul. 82-206

ISSUE

Who is responsible for making and signing the federal income tax return of a minor child?

LAW AND ANALYSIS

Under section 6012(a) of the Code, every individual must make an income tax return if certain gross income requirements are met for the taxable year.

Under section 1.6012-1(a)(4) of the Income Tax Regulations, a minor is subject to the same requirements and elections for making returns as are other individuals. The return of a minor must be made by the minor or made for the minor by the guardian or other person charged with the care of the minor's person or property.

Section 6061 of the Code provides that any return required to be made under any provisions of the internal revenue laws must be signed in accordance with forms or regulations prescribed by the Secretary.

Under section 1.6061-1 of the regulations each individual must sign the income tax return required to be made by that individual.

A minor child, like any other individual taxpayer, is responsible for properly making and filing a timely income tax return if the gross income requirements are met. If the minor is unable to file, however, because of age or other reasons, the parent or guardian must make and sign the return for the child.

HOLDING

A minor child is responsible for making and filing its own income tax return. If for any reason, such as age, the child is unable to make a return, the parent or guardian is responsible for making and signing the return. The parent should sign the child's name in the proper place on the return followed by the words "By (signature) Parent (or guardian) for minor child."

Section 6013.—Joint Returns of Income Tax by Husband and Wife

26 CFR 1.6013-6: Election to treat nonresident alien individual as resident of the United States. (Also Section 1441; 1.1441-6.)

T.D. 7842

TITLE 26.—INTERNAL REVENUE—CHAPTER I, SUBCHAPTER A, PART I—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Relationship of election by nonresident alien individual to be treated as resident and United States income tax treaties

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the relationship of the election by a nonresident alien individual to be treated as a U.S. resident and United States income tax treaties. The changes are necessary because the paragraph dealing with the relationship of the election and tax treaties was reserved when the existing regulations were adopted. The regulations would provide guidance to individuals considering taking advantage of the election. The election provision was added to the tax law by the Tax Reform Act of 1976 [Pub. L. 94-455, 1976-3 C.B. (Vol.1) 1, 88. Sec. 1012(a).].

DATE: The amendments are effective for taxable years ending on or after December 31, 1975.

FOR FURTHER INFORMATION CONTACT: Charles C. Saverude of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, Attention: CC:LR:T; 202-566-3323 not a toll-free call.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On January 31, 1980, the Federal Register published amendments to the Income Tax Regulations (26 CFR Part 1) under sections 879, 6013, and other sections of the Internal Revenue Code of 1954. The amendments concerned the election under sections 6013(g) and (h) by a non-resident alien individual to be treated as a U.S. resident and the treatment of community income where the election is not made. The amendments reserved §1.6013-6(a)(2)(v) of the regulations. On September 12, 1980, the Federal Register published a proposed amendment to the Income Tax Regulations (26 CFR Part 1) under section 6103(g) of the Internal Revenue Code of 1954. The proposed amendment was to the re-

served §1.6013-6(a)(2)(v). After consideration of all comments submitted regarding the proposed amendment, the amendment is adopted by this Treasury decision. The final regulations delete an example and make clarifying amendments to the Income Tax Regulations under section 1441 of the Internal Revenue Code of 1954.

DISCUSSION

Section 1012(a) of the Tax Reform Act of 1976 amended section 6013 of the Internal Revenue Code of 1954 by adding subsections (g) and (h), which provide that a nonresident alien individual may, under certain circumstances, elect to be treated as a U.S. resident. The principal effect of this election is to permit the nonresident alien individual to file a joint return with a spouse who is a resident or citizen of the United States.

An effect of being treated as a U.S. resident is that one is subject to income tax on worldwide income. The committee reports under the Tax Reform Act of 1976 state that an election under section 6013(g) or (h) is an election to be taxed on worldwide income. H. Rep. No. 94-658, 94th Cong., 1st Sess. 204 (1975) [1976-3 C.B. (Vol. 2) 695]; S. Rep. No. 94-938, 94th Cong., 2d Sess. 213 (1976) [1976-3 C.B. (Vol. 2) 49]. The United States has entered into a number of income tax treaties with other countries. Under these treaties, the right of the treaty countries (including the United States) to tax income will depend, in many cases, upon the country of which an individual is resident. As a nonresident alien individual making the election also may be a resident of another country, it is necessary to make clear the individual's residence for purposes of United States income tax treaties.

The regulations provide that an individual who makes the election may not, for United States income tax purposes, claim under any U.S. income tax treaty not to be a resident of the United States. Thus, the individual who makes the election will be subject to U.S. income tax on worldwide income even though the individual, as a resident of another country, may have been exempt under a U.S. income tax treaty from U.S. tax on certain income before making the election. The regulations provide an example of the operation of the new rule.

SUMMARY OF CHANGES AND PUBLIC COMMENT

The final regulations delete an example from the proposed regulations and make three clarifying amendments to the withholding regulations under section 1441.

Two public comments were received concerning the proposed regulations. One commentator asserted that the proposed regulations violate United States income tax treaty obligations. The regulations do not violate U.S. treaty obligations as the section 6013(g) and (h) elections represent choices by individuals themselves to be taxed on worldwide income, even though before making an election the individuals may have been exempt from U.S. income tax under the Internal Revenue Code or a U.S. income tax treaty.

EXECUTIVE ORDER 12291

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required.

DRAFTING INFORMATION

The principal author of these regulations is Jason R. Felton of the Legislation and Regulation Division, Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in developing these regulations both on matters of substance and style.

* * * * *

Adoption of amendments to the regulations

The amendments to 26 CFR Part 1 are adopted as follows:

Paragraph 1. Paragraph (a)(2) of §1.6013-6 is amended to read as follows.

§1.6013-6 Election to treat nonresident alien individual as resident of the United States.

(a) Election for special treatment—
* * *

(2) Particular rules. * * *

(v) An individual who makes an election under this section may not, for United States income tax purposes, claim under any United States income tax treaty not to be a U.S. resident. The relationship of U.S. income tax treaties and the election under this section is illustrated by the following example.

Example. H, a U.S. citizen, is married to W, a nonresident alien of the United States and a domiciliary of country X. H and W maintain their only permanent home in country X. W receives both U.S. source and country X source interest during the taxable year. The interest is not effectively connected with a permanent establishment or a fixed base in any country. H and W make the section 6013(g) election. Under article ii(1) of the United States—country X Income Tax Convention interest derived and beneficially owned by a resident of one contracting state is exempt from tax is the other contracting state. Article 4(1) of the treaty provides that an individual is a resident of a contracting state if subject to tax in that country by reason of the individual's domicile, residence, or citizenship. Under article 4(1) of the treaty, W is a resident of country X by virtue of her domicile in country X and also of the United States by virtue of the section 6013(g) election. Article 4(2) of the treaty provides that if an individual is a resident of both the United States and country X by reason of article 4(1), the individual shall be deemed to be a resident of the contracting state in which he or she has a permanent home available. Because W's sole permanent home is in country X, under article 4(2) of the treaty W is treated as a resident of country X for purposes of the treaty. Because W has elected under section 6013(g) to be treated as a U.S. resident (and thus to be taxed on worldwide income), W may not, for U.S. income tax purposes, claim under the treaty not to be a U.S. resident. W, therefore, is subject to U.S. income tax on the interest. For purposes of country X income tax, W is considered a resident of country X under the treaty.

Par. 2. Paragraph (b)(2)(i) of §1.1441-4 is amended by adding the following phrase immediately after the word "resident": "(including, in accordance with §1.6013-6(a)(2)(v), an individual with respect to whom an election to be treated as a resident under section 6013(g), as in effect)".

Par. 3. Paragraph (d) of §1.1441-5 is amended by adding the following new sentence immediately after the first sentence: "An individual with respect to whom an election to be treated as a resident under section 6013(g) is in effect is not, in accordance with §1.1441-1, a resident for purposes of this section."

Par. 4. Section 1.1441-6 is amended by adding at the end thereof a new

paragraph (d) to read as set forth below:

§1.1441-6 Withholding pursuant to the application of a tax treaty which confers a reduced rate of, or exemption from, United States income tax.

* * * * *

(d) *Section 6013(g) election.* A nonresident alien individual with respect to whom a section 6013(g) election to be treated as a resident is in effect may not, in accordance with §1.6013-6(a)(2)(v), claim a reduced rate of, or exemption from, United States income tax under an income tax treaty.

* * * * *

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. §7805).

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved October 6, 1982.

David G. Glickman,
Acting Assistant Secretary of the Treasury.

(Filed by the Office of the Federal Register on November 2, 1982, 8:45 a.m., and published in the issue of the Federal Register for November 3, 1982, 47 F.R. 49841.)

Section 6061.—Signing of Returns and Other Documents

26 CFR 1.6061-1: Signing of returns and other documents by individuals.

Whether a minor child is responsible for filing a federal income tax return. See Rev. Rul. 82-206, page 10.

Section 6104.—Publicity of Information Required from Certain Exempt Organizations and Certain Trusts

26 CFR 301.6104(a)-1; Public inspection of material relating to tax-exempt organizations.

T.D. 7845

TITLE 26.—INTERNAL REVENUE.—CHAPTER I, SUBCHAPTER F, PART 301—PROCEDURE AND ADMINISTRATION

Inspection of applications for tax exemption and applications for determination letters for pension and other plans.

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to public inspection of applications for tax exemption, applications for determination of the qualification of pension and other plans, and other related material. Changes to the applicable law were made by the Employee Retirement Income Security Act of 1974 [Pub. L. 93-406, 1974-3 C.B. 1] and the Tax Reform Act of 1976 [Pub. L. 94-455, 1976-3 C.B. (Vol. 1) 1]. The regulations provide guidance to the public on how documents may be obtained for inspection, and would affect all persons wishing to inspect the documents, as well as those submitting them.

DATE: The regulations are effective for applications for tax exemption filed after October 31, 1976, and applications for determination letters for pension and other plans filed after September 2, 1974.

FOR FURTHER INFORMATION CONTACT: Paul G. Accettura of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3544, not a toll-free number)

SUPPLEMENTARY INFORMATION:

BACKGROUND

On December 30, 1980, the Federal Register published proposed amendments to the Regulations on Procedures and Administration (26 CFR Part 301) under section 6104(a)(1) of the Internal Revenue Code of 1954 (45 FR 85788). The amendments were proposed to conform the regulations under section 6104(a)(1)(A) to section 1201(d) of the Tax Reform Act of 1976 (90 Stat. 1667), and the regulations under section 6104(a)(1)(B), (C) and (D) to section 1022(g) of the Employee Retirement Income Security Act of 1974 (ERISA) (88 Stat. 940).

A public hearing was not requested on the regulations. After careful consideration of all comments received regarding the proposed amendments, the amendments are adopted as revised by this Treasury Decision.

GROUP EXEMPTION SITUATIONS

One comment questioned how the regulations apply to requests for information with respect to an organization covered by a group exemption. In this context, a request for information with respect to any organization will be treated as a request for information only on that organization. The Internal Revenue Service's response will provide all disclosable information relating to the organization. If the information received shows that the organization is a subordinate organization covered by a group exemption, the person making the request can then proceed with a request under these regulations for all disclosable information relating to the parent organization upon which the group exemption is based.

COMPENSATION RANGES

Two comments specifically objected to the last sentence of section 301.6104(a)-5(b)(4) of the proposed regulations. That sentence stated: "Further, a description of the numbers of individuals covered and not covered by a plan, listed by compensation range, does not constitute confidential compensation information." Section 301.6104(a)-5(b)(4) is intended to describe that information which constitutes confidential compensation information within the meaning of section 6104(a)(1)(C).

The following three sentences are contained in the House Report on ERISA, and relate to section 6104 in general and section 6104(a)(1)(C) in particular:

However, under the bill information contained in these papers and documents from which the compensation of any participant (or other person) may be ascertained is not to be open

to public inspection. (However, all other information in these documents is to be available to the public, including information such as the numbers of individuals covered and not covered in a plan, listed by compensation range.) These rules are to enable plan participants and beneficiaries to obtain the full information needed to enforce their plan rights, pursuant to the new rules established in the bill, and are also to protect the confidentiality of information regarding the financial status of specific individuals.

H.R. Rep. No. 93-807, 93rd Cong., 2nd Sess. 162 (1974), 1974-3 (supp.) C.B. 397.

The above quote specifically states congressional intent that compensation ranges are not considered confidential compensation information within the meaning of section 6104(a)(1)(C), and are to be made available to the public under section 6104(a). The above quote additionally points out the Congressional intent in providing plan participants and beneficiaries with full information to enforce their plan rights. Compensation ranges are an important part of many plan applications and allow interested parties to better enforce their plan rights where appropriate. Accordingly, the final regulations retain the provision that compensation ranges do not constitute section 6104(a)(1)(C) material and are, therefore, available to the public to the extent otherwise provided in these regulations.

One comment on compensation ranges also objected to the retroactivity of section 301.6104(a)-5(b)(4). In addition to the actual language of section 6104(a)(1)(C), the above quoted legislative history put the public on notice that such information would be disclosed to the public. The public was also informed of the disclosure of compensation ranges in the 5300 series of applications completed and filed with the Internal Revenue Service. The instructions for Forms 5300, 5301, 5303 and 5307 specifically state that "the application is open to public inspection if there are more than 25 participants." Also, Forms 5302 and 5310A, which relate to the twenty-five highest paid participating employees, state in the upper right hand corner: "This form (Schedule) is NOT open to Public Inspection." The instructions to Form 5302 specifically refer to section 6104(a)(1)(C) as the source of the nondisclosure of the information included in Form 5302. The statement in the House Report, and the statement in the instructions to Forms 5300, 5301, 5303 and 5307 (in which compensation range information is required in certain circumstances), as well as the specific statement in Forms 5302 and 5310A that it, in contrast, is not open to public inspection gave adequate notice to the applicants that compensation ranges were to be disclosed. Thus, the applicable date of the proposed regulations remains unchanged in the final regulations.

One comment also claimed that compensation ranges may be trade secret information. After careful consideration, it was determined that compensation ranges, except under extraordinary circumstances, cannot be considered trade secret material. The trade secret section of the proposed regulations (section 301.6104(a)-5 is equally applicable to compensation ranges, and serves as a protection for an applicant's trade secret information.

REVOCATION LETTERS

One comment claimed there was an inconsistency between section 301.6104(a)-1(i)(2) and section 301.6104(a)-3(c)(4) regarding disclosure of letters from the Internal Revenue Service revoking favorable determination letters. The wording of sections 6104(a)(1)(A) and 6104(a)(1)(B) are distinct from each other regarding the scope of disclosure of letters issued by the Internal Revenue Service. These distinctions result in revocation letters regarding pension plans being disclosed (section 6104(a)(1)(B) and section 301.6104(a)-3(c)(4)) while similar material relating to tax-exempt organizations is not disclosed (section 6104(a)(1)(A) and section 301.6104(a)-1(i)(2)). Both provisions are retained as proposed.

DEFINITION OF "ISSUED BY"

One comment objected to section 301.6104(a)-3(b) of the proposed regulations as unduly limiting the definition of documents "issued by" the Internal Revenue Service, within the meaning of section 6104(a)(1)(B)(iv). This definition has been retained since Congressional intent only extended to those letters or documents issued by the Internal Revenue Service to the applicant, or the applicant's representative.

PLAN PARTICIPANT

One comment objected to section 301.6104(a)-4(c) of the proposed regulations which provided that an administrator, executor, or trustee of the estate of a deceased plan participant automatically qualified as a plan participant for purposes of inspecting material relating to a plan with fewer than 26 participants. This section has been revised to include as plan participants, for purposes of inspecting material relating to a plan with fewer than 26 participants, only those administrators, executors, or trustees who are receiving benefits or are entitled to receive future benefits under the plan in their official capacity.

TRADE SECRETS

With regard to material identified in section 301.6104(a)-5, additions of specific time deadlines have been made for organizations to respond to a determination by the Commissioner that information which an organization sought to protect from disclosure will be disclosed.

NON-APPLICABILITY OF EXECUTIVE ORDER 12291

The Treasury Department has determined that this regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

REGULATORY FLEXIBILITY ACT

No general notice of proposed rulemaking is required by 5 U.S.C. 553(b) for interpretative regulations. Accordingly, the Regulatory Flexibility Act (5 U.S.C. Chapter 6) does not apply and no Regulatory Flexibility Analysis is required for this rule.

DRAFTING INFORMATION

The principal author of this regulation is Paul G. Accettura of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department, participated in developing the regulations, both on matters of substance and style.

* * * * *

Adoption of amendments to the regulations

Accordingly, 26 CFR Part 301 is amended as follows:

Paragraph 1. The following new sections are added immediately after §301.6103(p)(7)-1(c)(2):

§301.6104(a)-1 Public inspection of material relating to tax-exempt organizations.

(a) *Application for tax exemption and supporting documents.* If the Internal Revenue Service determines that an organization described in section 501(c) or (d) is exempt from taxation for any taxable year, the application for tax exemption upon which the determination is based, together with any supporting documents, is open to public inspection. Some applications for tax exemption have been destroyed and therefore are not available for inspection. For purposes of determining the availability for public inspection, a claim for tax exemption filed to reestablish exempt status after denial thereof under the provisions of section 503 or 504 (as in effect on December 31, 1969), or under the corresponding provisions of any prior revenue law, is considered an application for tax exemption.

(b) *Letters or documents issued by the Internal Revenue Service with respect to an application for tax exemption.* If an application for tax exemption is filed with the Internal Revenue Service after October 31, 1976, and is open to public inspection under paragraph (a) of this section, then any letter or document issued to the applicant by the Internal Revenue Service which relates to the application is also open to public inspection. For rules relating to when a letter or document is issued, see §301.6110-2(h). Letters or documents to which this paragraph applies include, but are not limited to—

(1) Favorable rulings and determination letters (see §601.201(n)(1)) issued in response to applications for tax exemption,

(2) Technical advice memoranda (see §601.201(n)(9)) issued with respect to an approved, or subsequently approved, application for tax exemption, and

(3) Letters issued in response to an application for tax exemption that propose a finding that the organization is not entitled to be exempt from tax, if the organization is subsequently determined, on the basis of the application, to be exempt from tax.

(c) *Requirement of exempt status.* An application for tax exemption, supporting documents, and letters or documents issued by the Internal Revenue Service that relate to the application will not be open to public inspection before the organization filing the application is determined, on the basis of the application, to be exempt from taxation for any taxable year. On the other hand, if the organization is determined to be exempt for any taxable year, the material will not be withheld from public inspection on the ground that the organization is determined not to be exempt for any other taxable year.

(d) *Documents included in the term "application for tax exemption".* For purposes of this section—

(1) *Prescribed application form.* If a form is prescribed for an organization's application for tax exemption, the application for tax exemption includes the form and all documents and statements the Internal Revenue Service requires to be filed with the form.

(2) *No prescribed application form.* If no form is prescribed for an organization's application for tax exemption, the application for tax exemption includes:

(i) The application letter and a copy of the articles of incorporation, declaration of trust, or other instrument of similar import that sets forth the permitted powers or activities of the organization,

(ii) The bylaws or other code of regulations,

(iii) The latest financial statement showing assets, liabilities, receipts and disbursements,

(iv) Statements showing the character of the organization, the purpose for which it was organized, and its actual activities,

(v) Statements showing sources of income and receipts and the disposition thereof, and whether or not any income or receipts is credited to surplus or may inure to the benefit of any private shareholder or individual, and

(vi) Any other statements or documents the Internal Revenue Service requires to be filed with the application letter.

(3) *Prohibited transactions.* An application for tax exemption does not include a request for a ruling as to whether a proposed transaction is a prohibited transaction under section 503.

(e) *Supporting documents defined.* For purposes of this section, "supporting documents", as used with respect to an application for tax exemption, means any statement or document not described in paragraph (d) of this section that is submitted by an organization in support of its application. For example, a legal brief submitted in support of an application for tax exemption is a supporting document.

(f) *Statement of exempt status.* In addition to having the opportunity to inspect material relating to tax exempt organizations, a person may request a statement setting forth the following information:

(1) The subsection and paragraph of section 501 (or the corresponding provision of any prior revenue law) under which an organization has been determined, on the basis of an application open to public inspection, to qualify for exemption from taxation, and

(2) Whether the organization is currently held to be exempt.

The request for the statement must be made in the same manner as request for inspection (see §301.6104(a)-6).

(g) *Withholding of certain information from public inspection.* For

rules relating to certain information contained in an application for tax exemption and related material which will be withheld from public inspection, see §301.6104(a)-5(a).

(h) *Procedures for inspection.* For rules relating to procedures for public inspection of applications for tax exemption and related material, see §301.6104(a)-6.

(i) *Material not open to public inspection under section 6104 or 6110.* Under section 6110 certain written determinations issued by the Internal Revenue Service are made available for public inspection. Section 6110 does not apply, however, to matters on which the determination of availability for public inspection is made under section 6104. Accordingly, §301.6110-1(a) describes matters which, for purposes of section 6110, are considered within the ambit of section 6104. Some determination letters and other documents relating to tax exempt organizations that are not open to public inspection under section 6104(a)(1)(A) and this section are nevertheless within the ambit of section 6104 for purposes of section 6110. These determination letters and other documents are therefore not available for public inspection under either section 6104 or section 6110. They include, but are not limited to—

(1) Unfavorable rulings or determination letters (see §601.201(n)) issued in response to applications for tax exemption,

(2) Rulings or determination letters revoking or modifying a favorable determination letter (see §601.201(n)(6)),

(3) Technical advice memoranda (see §601.201(n)(9)) relating to a disapproved application for tax exemption or the revocation or modification of a favorable determination letter,

(4) Any letter or document filed with or issued by the Internal Revenue Service relating to whether a proposed or accomplished transaction is a prohibited transaction under section 503,

(5) Any letter or document filed with or issued by the Internal Revenue Service relating to an organization's status as an organization described in section 509(a) or 4942(j)(3), unless the letter or document relates to the organization's application for tax exemption, and

(6) Any other letter or document filed with or issued by the Internal Revenue Service which, although it relates to an organization's tax exempt status as an organization described in section 501(c) or (d), does not relate to that organization's application for tax exemption, within the meaning of paragraph (d).

§301.6104(a)-2 Public inspection of material relating to pension and other plans.

(a) *Material open to inspection.* Except as provided in §301.6104(a)-4 with respect to plans having fewer than 26 participants, an application for a determination letter which is filed with the Internal Revenue Service after September 2, 1974, together with supporting documents filed by the applicant in support of the application, will be open to public inspection under section 6104(a)(1)(B)(i) and (ii). An application for a determination letter and supporting documents will be open to public inspection whether or not the application is withdrawn by the applicant, and whether or not the Internal Revenue Service determines that the plan, account, or annuity to which the applicaion relates is qualified or that any related trust or custodial account is exempt from tax.

(b) *Documents included in the term "applicaion for a determination letter"*—(1) *Employees' plans and individual retirement plans.* For purposes of this section, the term "application for a determination letter" includes the documents that an applicant files with respect to a request that the Internal Revenue Service determine the qualification of—

(i) A pension, profit-sharing, or stock bonus plan under section 401(a),

(ii) An annuity plan under section 403(a),

(iii) A bond purchase plan under section 405(a), or

(iv) An individual retirement account or annuity described in section 408(a), (b) or (c).

(2) *Tax exempt trusts or custodial accounts.* The term "application for a determination letter" also includes the documents an applicant files with respect to a request that the Internal Revenue Service determine the exemption from tax under section 501(a) of an organization forming part of a plan or account described in subparagraph (1) of this paragraph, or a custodial account described in section 401(f).

(3) *Master, prototype and pattern plans.* The term "application for a determination letter" also includes documents which an applicant files with respect to a request for approval of a master, prototype, pattern or other such plan or account.

(4) *Prescribed forms and application letters.* With respect to an application for a determination letter described in this paragraph (b) for which an application form is prescribed, the application for a determination letter includes the form and all documents and statements required to be filed in connection with the form. With respect to an application for a determination letter for which no application form is prescribed, the application for a determination letter includes the application letter and all documents and statements the Internal Revenue Service requires to be submitted with the application letter.

(c) *Documents not constituting an "application for a determination letter".* The following are not applications for a determination letter for purposes of this section:

(1) An incomplete application that is returned without action for proper completion,

(2) An application that is returned without action to the applicant for failure to notify all interested parties in accordance with the regulations under section 7476 (relating to declaratory judgments), and

(3) A request for a ruling as to whether a proposed transaction is a prohibited transaction under section 4975.

(d) *Supporting documents.* "Supporting documents", as used with respect to an application for a determination letter which is open to public inspection under this section, means any statement or document submitted in support of the application which is not specifically required by the application form or the Internal Reve-

nue Service. For example, a legal brief submitted in support of an application for a determination letter is a supporting document.

(e) *Applicant.* For purposes of this section, §301.6104(a)-3 (relating to Internal Revenue Service letters and documents open to public inspection) and §301.6104(a)-5 (relating to the withholding of certain information form public inspection), an "applicant" includes, but is not limited to, an employer, plan administrator (as defined in section 414(g)), labor union, bank, or insurance company that files an application for a determination letter.

§301.6104(a)-3 Public inspection of Internal Revenue Service letters and documents relating to pension and other plans.

(a) *In general.* Except as provided in §301.6104(a)-4 with respect to plans having fewer than 26 participants, a letter or other document issued by the Internal Revenue Service after September 2, 1974, is open to public inspection under section 6104 (a) (1) (B) (iv) and this section, if it is issued with respect to—

(1) The qualification of a pension, profit-sharing or stock bonus plan under section 401 (a), an annuity plan under section 403(a), a bond purchase plan under section 405(a), or an individual retirement account or annuity described in section 408(a), (b) or (c),

(2) The exemption from tax under section 501(a) of an organization forming part of such a plan or account, or a custodial account described in section 401(f), or

(3) The approval of a master, prototype, pattern or other such plan or account.

(b) *Scope.* Internal Revenue Service letters and documents open to public inspection under section 6104(a)(1)(B)(iv) and this section are not limited to those issued in response to an application for a determination letter described in §301.6104(a)-2. They are, however, limited to those issued by the Internal Revenue Service to the person or organization which either did or could file an application for a determination letter for the plan, account or annuity to which the letter or document relates. If such a person or organization designates a representative having a power of attorney, however, then the letter or document will be open to inspection if issued to the representative. For rules relating to when a letter or document is issued, see §301.6110-2(h). Internal Revenue Service letters and documents are open to public inspection under section 6104(a)(1)(B)(iv) and this section whether or not the Internal Revenue Service determines that the plan, account or annuity to which the letter or document relates is qualified or that any related trust or custodial account is exempt from tax.

(c) *Letters and documents open to public inspection.* Internal Revenue Service letters and documents open to public inspection under section 6104(a)(1)(B)(iv) and this section include, but are not limited to:

(1) Determination letters relating to the qualification of a plan, account or annuity described in paragraph (a)(1) of this section (see §601.201(o)),

(2) Technical advice memoranda (see §601.201(n)(9)) relating to the issuance of such determination letters,

(3) Technical advice memoranda relating to the continuing qualification of a plan, account or annuity previously determined to be qualified, or to the qualification of a plan, account or annuity for which no determination letter has been issued,

(4) Letters or documents revoking or modifying any prior favorable determination letter or denying the qualification of a plan, account or annuity for which no determination letter has been issued,

(5) Determination letters relating to the exemption from tax of a trust or custodial account described in paragraph (a)(2) of this section (see §601.201(o)(2)(i)(*b*)), or

(6) Opinion letters relating to the acceptability of the form of any master, prototype or other such plan or account (see §601.201(p) and (q)) or notification letters issued with respect to pattern plans.

(d) *Extent letter or document open to public inspection.* A letter or document issued by the Internal Revenue Service is open to public inspection under section 6104(a)(1)(B)(iv) and this section only to the extent it relates directly to the qualification of a plan, account or annuity, the exemption from tax of a related organization or custodial account, or the approval of a master, prototype, pattern or other such plan. Any part of the letter or document which does not directly relate to such a qualification, exemption or approval is not open to public inspection. For example, a letter to an employer which concludes that an employees' plan is not qualified and the related trust is not tax exempt will be open to public inspection. However, that same letter may also assert an income tax deficiency because employer contributions to the trust are, therefore, not deductible. In such a case, that part of the letter relating to the tax deficiency will be deleted before the letter is opened to public inspection.

(e) *Letters or documents issued with respect to tax return examination.* In the case of an examination of a taxpayer's return or consideration of a taxpayer's claim for credit or refund, no letter or document issued to the taxpayer before the preliminary or "30-day" letter described in §601.105(d)(1) is issued to the taxpayer will be open to public inspection under section 6104(a)(1)(B)(iv) and this section. The "30-day" letter and any statutory notice of deficiency subsequently issued to the taxpayer under section 6212 will be open to public inspection to the extent provided in paragraph (d) of this section. If any letter or document other than a statutory notice of deficiency is issued to the taxpayer after the "30-day" letter is issued, such letter or document will be open to inspection to the extent provided in paragraph (d) of this section only if it finally resolves or otherwise disposes of a plan qualification or tax exemption issue raised in the "30-day" letter.

(f) *Letters or documents issued after September 2, 1974.* Section 6104 (a) (1)(B)(iv) and this section apply to letters or documents issued by the Internal Revenue Service after September 2, 1974, even though the relevant application for a determination letter or other initiating correspondence from the applicant was filed with the

Internal Revenue Service before September 2, 1974.

§301.6104(a)-4 Requirement for 26 or more plan participants.

(a) *Inspection by plan participants.* In the case of a plan, annuity or account described in §301.6104(a)-2(b) and §301.6104(a)-3(a) that has fewer than 26 participants, material described in §§301.6104(a)-2 and 301.6104(a)-3 as open to public inspection is only open to inspection by a plan participant or the participant's authorized representative. This limitation does not apply, however, with respect to documents which an applicant files with respect to a request for approval of a master, prototype, pattern or other such plan (see §301.6104(a)-2(b)(3)) or to opinion, notification or other such letters issued by the Internal Revenue Service with respect to such plans (see §301.6104(a)-3(a)(3)).

(b) *Determining number of plan participants*—(1) *In general.* For purposes of determining whether a plan has fewer than 26 participants, the number of plan participants will be the number indicated on the most recent annual return filed for the plan under section 6058. Where an annual return indicates the number of participants both at the beginning and end of the plan year, the number indicated on the return means the number at the end of the plan year. If no annual return has been filed for the plan, then the number of plan participants will be the number indicated on the most recent application for a determination letter filed for the plan. If, however, the number of plan participants is increased prior to final Internal Revenue Service action on the application, the number of plan participants will be that increased number.

(2) *Decreasing number of plan participants.* If a plan having 26 or more participants, as indicated on an annual return or application for a determination letter, subsequently files an annual return indicating fewer than 26 plan participants, then material relating to the plan which is issued or received by the Internal Revenue Service after the date the annual return is filed will be open to inspection only by plan participants or their authorized representatives. Similarly, if a plan having 26 or more participants as indicated on an annual return or an application for a determination letter, subsequently files an application for a determination letter which indicates fewer than 26 plan participants, then that application and related material, as well as any other material relating to the plan which is received or issued by the Internal Revenue Service after the date of receipt of that application, will be open to inspection only by plan participants or their authorized representatives. In either case, material open to public inspection pursuant to the number of plan participants indicated on previous annual returns or applications for a determination letter will remain open to public inspection.

(3) *Increasing number of plan participants.* If a plan having fewer than 26 plan participants, as indicated on an annual return or application for a determination letter, files a subsequent return or application indicating 26 or more plan participants, all the plan's prior applications and other material received or issued by the Internal Revenue Service after September 2, 1974, will be open to public inspection regardless of the number of plan participants indicated on any prior return or application.

(c) *Plan participant.* Solely for purposes of determining who is a plan participant permitted to inspect material relating to a plan having fewer than 26 participants, the term "plan participant" includes, but is not limited to, former employees (such as certain retired and terminated employees) who have a nonforfeitable right to benefits under the plan. An individual who is merely a beneficiary of an employee or former employee is not a plan participant, unless the individual is a beneficiary of a deceased former employee and is receiving benefits or entitled to receive future benefits under the plan. The term "plan participant" also includes the administrator, executor, or trustee of the estate of a deceased plan participant if such administrator, executor, or trustee is receiving benefits or entitled to receive future benefits under the plan in his or her official capacity. That material may be available for inspection to an individual under this paragraph does not constitute a determination by the Internal Revenue Service that the individual is a plan participant for any purpose other than inspection under section 6104(a)(1)(B).

(d) *Authorized representative.* "Authorized representative" means the representative of a plan participant designated by the participant in writing to inspect material described in §§301.6104(a)-2 and 301.6104(a)-3. The document designating the authorized representative must be signed by the plan participant and must specify that the representative is authorized to inspect the material. The document, or a copy, must be filed with the office of the Internal Revenue Service in which the authorized representative is to inspect the material. A copy which is reproduced by a photographic process need not be certified as a true and correct copy of the original.

§301.6104(a)-5 Withholding of certain information from public inspection.

(a) *Tax exempt organizations*—(1) *Trade secrets, patents, processes, styles of work, or apparatus.* An organization whose application for tax exemption is open to public inspection under section 6104(a)(1)(A) and §301.6104(a)-1 may in writing request the withholding of information contained in the application or supporting documents which relates to any trade secret, patent, process, style of work, or apparatus of the organization. The information will be withheld from public inspection if the Commissioner determines that the disclosure of such information would adversely affect the organization. Requests for withholding information from public inspection should be filed with the office with which the organization files the documents containing the information. The request must clearly identify the material desired to be withheld (the document, page, paragraph, and line) and must state why the information should not be open to public inspection. The organization will be notified of the Commissioner's determination as to

whether the information will be withheld from public inspection. If the Commissioner determines that the information will be disclosed, the organization will be given 15 days after notification of the Commissioner's decision to contest that decision before the document is disclosed.

(2) *National defense material.* The Internal Revenue Service will withhold from public inspection any information which is submitted by an organization whose application for tax exemption is open to inspection under section 6104(a)(1)A) and §301.6104(a)-1, if the Commissioner determines that public disclosure would adversely affect the national defense.

(b) *Pension and other plans*—(1) *Applicant's exclusion of certain information.* Except as provided in subparagraph (2) of this paragraph, information that, in the opinion of the applicant, is of the type described in section 6104(a)(1)(C) or (D) should not be included in an application for a determination letter, supporting documents, or any other document open to inspection under section 6104(a)(1)(B). Accordingly, an applicant should not include in an application for a determination letter or supporting documents confidential compensation information as described in subparagraph (4) of this paragraph. Neither should an applicant include information relating to any trade secret, patent, process, style of work or apparatus, the disclosure of which would be adverse to the applicant.

(2) *Exception for separate document.* The rule that an applicant should exclude from an application for a determination letter or other documents information of the type in section 6104(a)(1)(C) or (D) does not apply—

(i) In the case of the separate schedule to certain applications for a determination letter which is provided for the purpose of setting forth confidential compensation information (as described in subparagraph (4) of this paragraph) which must be submitted by the applicant,

(ii) If the applicant determines that it is impossible to provide the Internal Revenue Service with sufficient information to support an application for a determination letter without submitting what is believed to be information of the type described in section 6104(a)(1)(C) or (D), or

(iii) If the Internal Revenue Service requests that the applicant submit information of the type described in section 6104(a)(1)(C) and (D).

In a case described in subdivision (ii) or (iii) of this subparagraph, the applicant is to set forth the information in a document separate from the remainder of the application for a determination letter or other documents. The separate document is to state why the information is to be withheld from public inspection under section 6104(a)(1)(C) or (D). If the Internal Revenue Service has not requested the information, the separate document is to also state why it is impossible to provide the Internal Revenue Service sufficient information to support the application for a determination letter without including information which is to be withheld. The separate document should clearly identify the relevant portion of the application for a determination letter or other document (the document, page, paragraph, and line) to which the information set forth in the separate document relates. The Internal Revenue Service will withhold from public inspection (including inspection by a plan participant or authorized representative) information contained in the separate document if the Commissioner determines that the information is in fact information of the type described in section 6104(a)(1)(C) or (D), and, in the case of information relating to any trade secret, patent, process, style of work or apparatus, the Commissioner further determines that disclosure would be adverse to the applicant. If the Commissioner determines that the information will be disclosed, the organization will be given 15 days after notification of the Commissioner's decision to contest the decision before the document is disclosed.

(3) *National defense material.* The Internal Revenue Service will withhold from public inspection (including inspection by a plan participant or authorized representative) any information which is included in an application for a determination letter or supporting documents if the Commissioner determines that public disclosure would adversely affect the national defense. The information will be withheld whether or not submitted on a separate document pursuant to subparagraph (2) of this paragraph.

(4) *Confidential compensation information.* If an application for a determination letter, supporting document, or related letter or document referred to in section 6104(a)(1)(B) and §§301.6104(a)-2 and 301.6104(a)-3 contains information (including aggregate figures) from which an individual's compensation (including deferred compensation) may be ascertained, that information is not open to public inspection (including inspection by a plan participant or authorized representative). Confidential compensation information includes the amount of benefit a specific plan participant may expect to receive at normal or early retirement age and the amount of the employer's contributions under the plan that may be allocated to a specific plan participant. However, so long as a plan has more than one participant, the amount of benefit provided under the plan to plan participants, in general, at normal or early retirement age, or the amount of the employer's contributions under the plan that are allocable to plan participants, in general, does not constitute confidential compensation information. Further, a description of the numbers of individuals covered and not covered by a plan, listed by compensation range, does not constitute confidential compensation information.

§301.6104(a)-6 Procedural rules for inspection.

(a) *Place of inspection; tax exempt organizations and pension and other plans.* Material relating either to tax exempt organizations or to pension and other plans that is open to public inspection under section 6104(a)(1) and §301.6104(a)-1 through §301.6104(a)-3 will be made available for inspection at the Freedom of Information Reading Room, National Office, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, and in the office

of any district director of internal revenue.

(b) *Request for inspection*—(1) *Tax exempt organizations and pension and other plans; public inspection.* Material relating to either tax exempt organizations or pension and other plans that is open to public inspection under section 6104(a)(1) and §§301.6104(a)-1 through 301.6104(a)-3 will be available for inspection only upon request. If inspection at the National Office is desired, a request should be made in writing to the Commissioner of Internal Revenue, Attention: Freedom of Information Reading Room, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. Requests for inspection in the office of a district director should be made in writing to the district director's office. The request must describe the material to be inspected in reasonably sufficient detail so that Internal Revenue Service personnel can locate the material. If a tax-exempt organization has more than one application for tax exemption open to public inspection, or if a pension or other plan has more than one application for a determination letter open to public inspection, only the most recent application and related material will be made available for inspection unless the request states otherwise. Further, in the case of a pension or other plan, only Internal Revenue Service documents issued or delivered after the date of the filing of the most recent application for a determination letter will be made available for inspection, unless the request states otherwise.

(2) *Pension and other plans; inspection by plan participant or authorized representative.* As described in §301.6104(a)-4, material relating to plans having fewer than 26 participants is only open to inspection by a plan participant or authorized representative. In the case of such a plan, the rules described in subparagraph (1) of this paragraph apply. The request for inspection must include satisfactory evidence that the person requesting inspection is a plan participant (see §301.6104(a)-4(c)) or an authorized representative of such a plan participant within the meaning of §301.6104(a)-4(d).

(c) *Time and extent of inspection.* A person requesting inspection will be notified when the material will be made available for inspection. The material will be made available for inspection at times that will not interfere with its use by the Internal Revenue Service or exclude other persons from inspecting it. In addition, the Commissioner or district director may limit the number of applications for tax exemption, applications for a determination letter, supporting documents, or letters and documents issued by the Internal Revenue Service that will be made available to any person for inspection on a given date. Inspection will be allowed only in the presence of an Internal Revenue Service employee and only during regular business hours.

(d) *Copies.* Notes may be taken of the material open for inspection. Copies may be made manually or, if a person provides the equipment, photographically at the place of inspection. Photographic copying is subject to reasonable supervision with regard to the facilities and equipment used. A fee will be charged for copies of the material furnished by the Internal Revenue Service. Copies will be certified upon request.

Par. 2. Sections 301.6104-2, 301.6104-3 and 301.6104-4 are redesignated §§301.6104(b)-1, 301.6104(c)-1 and 301.6104(d)-1, respectively.

This Treasury Decision is issued under the authority contained in sections 6104(a)(1)(A), 6104(a)(1)(B), and 7805 of the Internal Revenue Code of 1954 (72 Stat. 1660, 88 Stat. 940, 68A Stat. 917; 26 U.S.C. 6104(a)(1)(A), 6104(a)(1)(B), 7805).

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved September 14, 1982.

John E. Chapoton,
Assistant Secretary of the Treasury.

(Filed by the Office of the Federal Register on November 5, 1982, 8:45 a.m., and published in the issue of the Federal Register for November 8, 1982, 47 F.R. 50484.)

Section 7805.—Rules and Regulations

26 CFR 301.7805-1: Rules and regulations.

Nonretroactive application of ruling that homes sold by a taxpayer, purchased under an employee relocation program, are capital assets within the meaning of section 1221 of the Code. See Rev. Rul. 82-204, page 7.

Part III. Administrative, Procedural, and Miscellaneous

List of Countries Requiring Cooperation with an International Boycott

Notice 82-21

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1954, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott [within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954]. The list is the same as the prior quarterly list published in the Federal Register.

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott [within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954].

Bahrain
Iraq
Jordan
Kuwait
Lebanon
Libya
Oman
Qatar
Saudi Arabia
Syria
United Arab Emirates
Yemen, Arab Republic
Yemen, Peoples Democratic Republic of

J. E. Chapoton,
Assistant Secretary
for Tax Policy.
October 12, 1982.

(Filed by the Office of the Federal Register on October 19, 1982, 8:45 a.m., and published in the issue of the Federal Register for October 20, 1982, 47 F.R. 46800)

Part IV. Items of General Interest

Foundations Status of Certain Organizations

Announcement 82-148

The following organizations have failed to establish or have been unable to maintain their status as public charities or as operating foundations. Accordingly, grantors and contributors may not, after this date, rely on previous rulings or designations in the Cumulative List of Organizations (Publication 78), or on the presumption arising from the filing of notices under section 508(b) of the Code. This listing does *not* indicate that the organizations have lost their status as organizations described in section 501(c)(3), eligible to receive deductible contributions.

Former Public Charities. The following organizations (which have been treated as organizations that are not private foundations described in section 509(a) of the Code) are now classified as private foundations:

Aguilla Foundation, The, Inglewood, CA
Alpha to Omega Travelers, Inc., Tucson, AZ
Camp Komaroff, Long Beach, CA
Central-One Flight Up Theatre Company, Hollywood, CA
Christian Harvest Times, Elyria, OH
Clevelanders For 100,000 Families, Inc., Cleveland, OH
Club Panamericano De Phoenix, Inc., Phoenix, AZ
Columbia Gorge Environmental Center, Inc., Hood River, OR
East Valley Girls Softball, Van Nuys, CA
Family to Family, Inc., Carroll, IA
Fire Victims, Inc., Caretta, WV
Foundation for International Medical Education, Newport Beach, CA
Friends of West-Adams Hospital, Inc., Los Angeles, CA
Friends of the Glencoe Library, Inc., The, Glencoe, MN
Golden Empire Muster Association, Bakersfield, CA
Hawaii Pacific Cinema Development Foundation, Inc., Honolulu, HI
Institute for Negotiation Research Inc., Woodland Hills, CA
International Institute for Integrative Technology, San Diego, CA
Italian-American Cultural Center, Mayfield Heights, OH
Jesus to America Evangelistic, Pasadena, CA
Life Skills, Inc., Prescott, AZ
Mayflower Gardens II, Long Beach, CA
Mentone Little League, Metone, CA
Mercer Island Council on Aging, Mercer Island, WA
Metro Crisis Intervention Service, Portland, OR
Mikvah Society of Los Angeles, Los Angeles, CA
Mujeres Unidas, Riverside, CA
Nampa Refugee Service, Inc., % Trinity Lutheran Church, Nampa, ID
National Child Health Councel, Inc., Loma Linda, CA
Navy Colour Guard Booster Club, Veradale, WA
Nutritional Health Foundation, Downey, CA
Ohio Youth Services, Inc., Rocky River, OH
One Foundation, Bellevue, WA
Others, Inc., Phoenix, AZ
P. C. A. Foundation in Mobile, Inc., Mobile, AL
Pacific Repertory Company, Hollywood, CA
Society for Blind Radio Listners, The, Cypress, CA
Soltron, Inc., Ft. Lauderdale, FL
Sydia's Board & Care Home, Capistrano Beach, CA
Tacoma Indian Center, Tacoma, WA
Tri-County Crime Watch, Inc., Miami Spring, FL
United Humaritarian Social Service, Los Angeles, CA
University of Fundamentals Accreditation of Religious Education Corporation, Los Angeles, CA
Williams County Association For the Prevention of Cruelty To Animals, Inc., Bryan, OH
World Gospel Ministries, Johnston, RI

If an organization listed above submits information that warrants the renewal of its classification as a public charity or as a private operating foundation, the Internal Revenue Service will issue a ruling or determination letter with the revised classification as to foundation status. Grantors and contributors may thereafter rely upon such ruling or determination letter as provided in section 1.509(a)-7 of the Income Tax Regulations. It is not the practice of the Service to announce such revised classification of foundation status in the Internal Revenue Service Bulletin.

Extension of time to make certain elections under section 338(g)

Announcement 82-149[1]

No election under section 338(g) (other than an election under section 224(d)(2) of the Tax Equity and Fiscal Responsibility Act of 1982, Pub. L. 97-34, 1982-38 I.R.B. 4, 43) shall be due before January 3, 1983 or, if later, 30 days after regulations are published specifying the rules for making the election.

Temporary regulations providing for this extension of time will be issued soon.

---

[1] Also released as News Release IR-82-134, dated November 15, 1982.

Announcement of the Disbarment, Suspension, or Consent to Voluntary Suspension of Attorneys, Certified Public Accountants, Enrolled Agents and Enrolled Actuaries from Practice before the Internal Revenue Service

Under 31 Code of Federal Regulations, Part 10, an attorney, certified public accountant, enrolled agent or enrolled actuary, in order to avoid the institution or conclusion of a proceeding for his disbarment or suspension from practice before the Internal Revenue Service, may offer his consent to suspension from such practice. The Director of Practice, in his discretion, may suspend an attorney, certified public accountant, enrolled agent or enrolled actuary in accordance with the consent offered.

Attorneys, certified public accountants, enrolled agents and enrolled actuaries are prohibited in any Internal Revenue Service matter from directly or indirectly employing, accepting assistance from, being employed by or sharing fees with, any practitioner disbarred or under suspension from practice before the Internal Revenue Service.

To enable attorneys, certified public accountants, enrolled agents and enrolled actuaries to identify practitioners under consent suspension from practice before the Internal Revenue Service, the Director of Practice will announce in the Internal Revenue Bulletin the names and addresses of practitioners who have been suspended from such practice, their designation as attorney, certified public accountant, enrolled agent or enrolled actuary and the date or period of suspension. This announcement will appear in the weekly Bulletin at the earliest practicable date after such action and will continue to appear in the weekly Bulletins for five successive weeks or for as many weeks as is practicable for each attorney, certified public accountant, enrolled agent or enrolled actuary so suspended and will later be consolidated and published in the Cumulative Bulletin.

The following individuals have been placed under consent suspension from practice before the Internal Revenue Service:

Name	Address	Designation	Term of Suspension
Allan J. Archer	Wantagh, NY	Certified Public Accountant	Seventeen Months effective September 13, 1982
James L. Donawho	Fort Worth, TX	Certified Public Accountant	Indefinite effective September 7, 1982
Keith A. Dudley	Beaverton, OR	Certified Public Accountant	Six Months effective September 1, 1982
Benjamin Gary	Baltimore, MD	Certified Public Accountant and Attorney	Indefinite effective September 13, 1982
Carl Jaworski	Troy, MI	Certified Public Accountant	September 8, 1982 through September 8, 1983
Bruce A. Wilson	Fulton, KY	Enrolled Agent	Indefinite effective September 17, 1982
Kent, Barry J.	West Hartford, CT	Certified Public Accountant	Indefinite effective October 25, 1982
Kirk, John W.	Williamson, WV	Certified Public Accountant	Six Months effective October 13, 1982
Wehland, Charles E.	Ellicott City, MD	Attorney	Twelve Months effective October 22, 1982

Under Section 1026, Title 31 of the United States Code (1970 ed.), the Secretary of the Treasury, after due notice and opportunity for hearing, is authorized to suspend or disbar from practice before the Internal Revenue Service any person who has violated the rules and regulations governing the recognition of certified public accountants, enrolled agents or enrolled actuaries to practice before the Internal Revenue Service.

Attorneys, certified public accountants, enrolled agents and enrolled actuaries are prohibited in any Internal Revenue Service matter from directly or indirectly employing, accepting assistance from, being employed by or sharing fees with, any practitioner disbarred or under suspension from practice before the Internal Revenue Service.

To enable attorneys, certified public accountants, enrolled agents and enrolled actuaries to identify such disbarred or suspended practitioners, the Director of Practice will announce in the Internal Revenue Bulletin the names and addresses of practitioners who have been disbarred or suspended from such practice, their designation as attorney, certified public accountant, enrolled agent or enrolled actuary and the date of disbarment or period of suspension. This announcement will continue to appear in the weekly Bulletin for five successive weeks for each attorney, certified public accountant, enrolled agent or enrolled actuary so suspended or disbarred and will later be consolidated and published in the Cumulative Bulletin.

After due notice and opportunity for hearing, the following individual has been disbarred from further practice before the Internal Revenue Service:

Name	Address	Designation	Effective Date
Kramer, Gerald G.	Sidney, NY	Attorney	October 18, 1982

Announcement Relating to Proposed Regulations Published With Notice of Proposed Rulemaking

Changes in regulations as announced below have been published in the Federal Register in tentative or proposed form to provide interested parties with an opportunity to file their objections or suggestions for consideration prior to final adoption of such regulations. These announcements will appear in the Bulletin during the period which has been prescribed for the submission and consideration of any views, arguments, or suggestions pertaining to the proposed regulations so published. Statement of such views, arguments or suggestions should be submitted in writing, preferably six copies, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Section affected	Subject	Published in the Bulletin	Expiration date for submission of views
26 CFR 1.79-0, 1.79-1 amended.	Group-term life insurance purchased for employees.	1982-47 I.R.B. 49	Dec. 6, 1982
26 CFR 1.401(a)-11 amended.	Qualified joint and survivor annuities.	1982-47 I.R.B. 51	Dec. 27, 1982

Numerical Finding List[1]

Bulletins 1982-27 thru 1982-47

Announcements:
82-95, 1982-27 I.R.B. 35
82-96, 1982-28 I.R.B. 21
82-97, 1982-28 I.R.B. 22
82-98, 1982-29 I.R.B. 38
82-99, 1982-28 I.R.B. 22
82-100, 1982-30 I.R.B. 41
82-101, 1982-30 I.R.B. 43
82-102, 1982-30 I.R.B. 43
82-103, 1982-31 I.R.B. 46
82-104, 1982-32 I.R.B. 37
82-105, 1982-33 I.R.B. 36
82-106, 1982-33 I.R.B. 37
82-107, 1982-33 I.R.B. 37
82-108, 1982-34 I.R.B. 20
82-109, 1982-34 I.R.B. 21
82-110, 1982-35 I.R.B. 14
82-111, 1982-34 I.R.B. 21
82-112, 1982-34 I.R.B. 21
82-113, 1982-35 I.R.B. 14
82-114, 1982-35 I.R.B. 14
82-115, 1982-36 I.R.B. 14
82-116, 1982-35 I.R.B. 14
82-117, 1982-36 I.R.B. 14
82-118, 1982-36 I.R.B. 14
82-119, 1982-35 I.R.B. 14
82-120, 1982-36 I.R.B. 16
82-121, 1982-37 I.R.B. 12
82-122, 1982-37 I.R.B. 12
82-123, 1982-37 I.R.B. 12
82-124, 1982-37 I.R.B. 12
82-125, 1982-37 I.R.B. 12
82-126, 1982-39 I.R.B. 101
82-127, 1982-39 I.R.B. 101
82-128, 1982-39 I.R.B. 103
82-129, 1982-40 I.R.B. 17
82-130, 1982-40 I.R.B. 17
82-131, 1982-40 I.R.B. 17
82-132, 1982-41 I.R.B. 18
82-133, 1982-42 I.R.B. 45
82-134, 1982-42 I.R.B. 47
82-135, 1982-43 I.R.B. 19
82-136, 1982-43 I.R.B. 19
82-137, 1982-44 I.R.B. 13
82-138, 1982-45 I.R.B. 30
82-139, 1982-45 I.R.B. 30
82-140, 1982-45 I.R.B. 30
82-141, 1982-44 I.R.B. 15
82-142, 1982-46 I.R.B. 31
82-143, 1982-46 I.R.B. 31
82-144, 1982-47 I.R.B. 54
82-145, 1982-47 I.R.B. 53
82-146, 1982-47 I.R.B. 53
82-147, 1982-47 I.R.B. 54

Committee Reports:

Conference:
97-760 (P.L. 97-248), 1982-39 I.R.B. 4

House:
97-826 (P.L. 97-354), 1982-47 I.R.B. 39*

Senate:
97-406 (P.L. 97-354), 1982-47 I.R.B. 25*

Court Decisions:
2013, 1982-29 I.R.B. 7
2014, 1982-30 I.R.B. 8

Delegation Orders:
51 (Rev. 6), 1982-36 I.R.B. 10
77 (Rev. 16), 1982-44 I.R.B. 11
112 (Rev. 8), 1982-34 I.R.B. 17
154 (Rev. 2), 1982-36 I.R.B. 10
155 (Rev. 2), 1982-34 I.R.B. 18
162 (Rev. 2), 1982-28 I.R.B. 16
169 (Rev. 1), 1982-28 I.R.B. 16
171 (Rev. 1), 1982-28 I.R.B. 16
173 (Rev. 1), 1982-28 I.R.B. 16
183 (Rev. 1), 1982-28 I.R.B. 16
196, 1982-36 I.R.B. 10
197, 1982-34 I.R.B. 18

Notices:
82-15, 1982-35 I.R.B. 11
82-16, 1982-36 I.R.B. 10
82-17, 1982-37 I.R.B. 10
82-18, 1982-37 I.R.B. 10
82-19, 1982-46 I.R.B. 27

Prohibited Transaction Exemptions:
82-63, 1982-27 I.R.B. 13
82-87, 1982-34 I.R.B. 6

Proposed Regulations:
EE-52-78, 1982-47 I.R.B. 51
LR-215-78, 1982-40 I.R.B. 15
LR-50-80, 1982-29 I.R.B. 34
LR-79-80, 1982-42 I.R.B. 40
LR-143-80, 1982-28 I.R.B. 17
LR-3-81, 1982-34 I.R.B. 19
LR-193-81, 1982-29 I.R.B. 36
LR-194-81, 1982-40 I.R.B. 16
LR-195-81, 1982-32 I.R.B. 34
LR-2-82, 1982-33 I.R.B. 35
LR-17-82, 1982-28 I.R.B. 18
LR-18-82, 1982-27 I.R.B. 20
LR-23-82, 1982-32 I.R.B. 35
LR-42-78, 1982-47 I.R.B. 49
LR-154-82, 1982-42 I.R.B. 44

Public Laws:
97-248, 1982-38 I.R.B. 4
97-354, 1982-47 I.R.B. 11

Railroad Retirement Quarterly Rate:
1982-47 I.R.B. 10

Revenue Procedures:
82-39, 1982-27 I.R.B. 18
82-40, 1982-30 I.R.B. 17
82-41, 1982-30 I.R.B. 17
82-42, 1982-29 I.R.B. 33
82-43, 1982-30 I.R.B. 17
82-44, 1982-31 I.R.B. 44
82-45, 1982-30 I.R.B. 40
82-46, 1982-32 I.R.B. 12
82-47, 1982-32 I.R.B. 12
82-48, 1982-33 I.R.B. 8
82-49, 1982-33 I.R.B. 34
82-50, 1982-34 I.R.B. 18
82-51, 1982-35 I.R.B. 11
82-52, 1982-35 I.R.B. 12
82-53, 1982-36 I.R.B. 10
82-54, 1982-37 I.R.B. 10
82-55, 1982-40 I.R.B. 14
82-56, 1982-41 I.R.B. 17
82-57, 1982-42 I.R.B. 39
82-58, 1982-43 I.R.B. 17
82-59, 1982-44 I.R.B. 11
82-60, 1982-45 I.R.B. 29
82-61, 1982-46 I.R.B. 28

Revenue Rulings:
82-128, 1982-27 I.R.B. 7
82-129, 1982-27 I.R.B. 8
82-130, 1982-27 I.R.B. 9
82-131, 1982-27 I.R.B. 10
82-132, 1982-27 I.R.B. 10
82-133, 1982-28 I.R.B. 11
82-134, 1982-28 I.R.B. 8
82-135, 1982-28 I.R.B. 9
82-136, 1982-28 I.R.B. 14
82-137, 1982-28 I.R.B. 14
82-138, 1982-29 I.R.B. 5
82-139, 1982-29 I.R.B. 6
82-140, 1982-29 I.R.B. 9
82-141, 1982-29 I.R.B. 10
82-142, 1982-30 I.R.B. 6
82-143, 1982-30 I.R.B. 7
82-144, 1982-31 I.R.B. 5
82-145, 1982-31 I.R.B. 7
82-146, 1982-32 I.R.B. 4
82-147, 1982-32 I.R.B. 4
82-148, 1982-32 I.R.B. 11
82-149, 1982-33 I.R.B. 5
82-150, 1982-33 I.R.B. 5
82-151, 1982-34 I.R.B. 5
82-152, 1982-34 I.R.B. 5
82-153, 1982-35 I.R.B. 6
82-154, 1982-35 I.R.B. 9
82-155, 1982-36 I.R.B. 5
82-156, 1982-36 I.R.B. 6
82-157, 1982-36 I.R.B. 7
82-158, 1982-37 I.R.B. 5
82-159, 1982-37 I.R.B. 5
82-160, 1982-37 I.R.B. 7
82-161, 1982-37 I.R.B. 7
82-162, 1982-40 I.R.B. 5
82-163, 1982-40 I.R.B. 6
82-164, 1982-40 I.R.B. 7
82-165, 1982-40 I.R.B. 8
82-166, 1982-40 I.R.B. 8
82-167, 1982-40 I.R.B. 10
82-168, 1982-41 I.R.B. 4
82-169, 1982-41 I.R.B. 5
82-170, 1982-41 I.R.B. 5
82-171, 1982-41 I.R.B. 7
82-172, 1982-41 I.R.B. 14
82-173, 1982-42 I.R.B. 5
82-174, 1982-42 I.R.B. 6
82-175, 1982-42 I.R.B. 7
82-176, 1982-42 I.R.B. 36
82-177, 1982-42 I.R.B. 36
82-178, 1982-43 I.R.B. 4
82-179, 1982-43 I.R.B. 6
82-180, 1982-43 I.R.B. 7
82-181, 1982-43 I.R.B. 8
82-182, 1982-44 I.R.B. 9
82-183, 1982-44 I.R.B. 5
82-184, 1982-44 I.R.B. 7
82-185, 1982-44 I.R.B. 8
82-186, 1982-44 I.R.B. 9
82-187, 1982-45 I.R.B. 5
82-188, 1982-45 I.R.B. 6
82-189, 1982-45 I.R.B. 14
82-190, 1982-45 I.R.B. 15
82-191, 1982-46 I.R.B. 11
82-192, 1982-46 I.R.B. 13
82-193, 1982-46 I.R.B. 16
82-194, 1982-46 I.R.B. 17
82-195, 1982-47 I.R.B. 5
82-196, 1982-47 I.R.B. 5
82-197, 1982-47 I.R.B. 6
82-198, 1982-47 I.R.B. 7
82-199, 1982-47 I.R.B. 8
82-200, 1982-47 I.R.B. 10

Statement of Procedural Rules:
1982-44 I.R.B. 11

Tax Conventions:
Morocco, 1982-31 I.R.B. 10
Norway, 1982-29 I.R.B. 12

Treasury Decisions:
7818, 1982-27 I.R.B. 12
7819, 1982-28 I.R.B. 7
7820, 1982-28 I.R.B. 7
7821, 1982-30 I.R.B. 5
7822, 1982-31 I.R.B. 6
7823, 1982-32 I.R.B. 5
7824, 1982-35 I.R.B. 7

[1] See footnote at end of list.

Numerical Finding List—Continued

Treasury Decisions—Continued

7825, 1982-36 I.R.B. 8
7826, 1982-41 I.R.B. 8
7827, 1982-40 I.R.B. 12
7828, 1982-41 I.R.B. 4
7829, 1982-40 I.R.B. 9
7831, 1982-43 I.R.B. 4
7832, 1982-42 I.R.B. 8
7833, 1982-43 I.R.B. 8
7834, 1982-43 I.R.B. 10
7835, 1982-44 I.R.B. 6
7836, 1982-45 I.R.B. 6
7837, 1982-46 I.R.B. 14
7838, 1982-46 I.R.B. 18
7839, 1982-45 I.R.B. 15
7840, 1982-46 I.R.B. 6

[1]A cumulative list of all Revenue Rulings, Revenue Procedures, Treasury Decisions, etc., published in Internal Revenue Bulletins 1982-1 through 1982-26 will be found in Internal Revenue Bulletin 1982-27, dated July 6, 1982.

INTERNAL REVENUE CUMULATIVE BULLETINS

____ 1927-1	$8.00	____ *1941-2*	*4.00*	____ 1958-1	11.00	____ 1971-1	12.00
____ *1927-2*	*18.00*	____ 1942-1	8.00	____ 1958-2	14.00	____ 1971-2	17.00
____ 1928-1	8.00	____ *1942-2*	*6.50*	____ 1958-3	17.00	____ 1972-1	15.00
____ 1928-2	10.00	____ *1943-(*)*	*11.00*	____ 1959-1	19.00	____ 1972-2	15.00
____ 1929-1	13.00	____ *1944-(*)*	*9.00*	____ 1959-2	11.00	____ 1973-1	18.00
____ *1929-2*	*3.50*	____ 1945-(*)	10.00	____ 1960-1	21.00	____ 1973-2	15.00
____ 1930-1	8.50	____ *1946-1*	*3.00*	____ 1960-2	13.00	____ 1974-1	12.00
____ 1930-2	10.00	____ 1946-2	6.00	____ 1961-1	15.00	____ 1974-2	11.00
____ *1931-1*	*4.00*	____ *1947-1*	*2.00*	____ 1961-2	11.00	____ *1974-3*	*9.50*
____ 1931-2	14.00	____ 1947-2	3.75	____ 1962-1	15.00	____ 1974-3 Supp.	11.00
____ *1932-1*	*3.25*	____ *1948-1*	*3.50*	____ 1962-2	14.00	____ 1975-1	15.00
____ 1932-2	10.00	____ 1948-2	8.50	____ 1962-3	22.00	____ 1975-2	14.00
____ *1933-1*	*3.75*	____ *1949-1*	*8.00*	____ 1963-1	10.00	____ 1976-1	12.00
____ *1933-2*	*4.00*	____ *1949-2*	*3.25*	____ 1963-2	12.00	____ 1976-2	11.00
____ *1934-1*	(**)	____ 1950-1	7.00	____ 1964-1-1	11.00	____ 1976-3-1	10.00
____ 1934-2	15.00	____ *1950-2*	*5.50*	____ 1964-1-2	12.00	____ 1976-3-2	18.00
____ 1935-1	8.00	____ *1951-1*	*13.00*	____ 1964-2	28.00	____ 1976-3-3	11.00
____ *1935-2*	*15.00*	____ *1951-2*	*6.00*	____ 1965-1	19.00	____ 1977-1	12.00
____ *1936-1*	*4.00*	____ *1952-1*	*3.00*	____ 1965-2	13.00	____ 1977-2	13.00
____ *1936-2*	*15.00*	____ 1952-2	8.00	____ 1966-1	15.00	____ 1978-1	13.00
____ *1937-1*	*14.00*	____ *1953-1*	*4.75*	____ 1966-2	15.00	____ 1978-2	14.00
____ 1937-2	8.50	____ 1953-2	13.00	____ 1967-1	11.00	____ 1978-3-1	13.00
____ *1938-1*	*17.00*	____ 1954-1	13.00	____ 1967-2	17.00	____ 1978-3-2	9.50
____ *1938-2*	*14.00*	____ 1954-2	13.00	____ 1968-1	15.00	____ 1979-1	15.00
____ 1939-1-1	9.50	____ 1955-1	11.00	____ 1968-2	13.00	____ 1979-2	17.00
____ 1939-1-2	12.00	____ 1955-2	14.00	____ 1969-1	15.00	____ 1980-1	17.00
____ 1939-2	10.00	____ 1956-1	17.00	____ 1969-2	7.50	____ 1980-2	19.00
____ 1940-1	6.50	____ 1956-2	20.00	____ 1969-3	14.00	____ 1980-3	11.00
____ 1940-2	15.00	____ 1957-1	18.00	____ 1970-1	12.00	____ 1981-1	19.00
____ 1941-1	8.00	____ 1957-2	(**)	____ 1970-2	15.00	____ 1981-2	18.00

Italics indicate paperbound editions. When stocks on these publications have been depleted, all reprints will be issued in casebound editions. All others are casebound.

(*) Printed in one volume. (**) Out of print.

NOTICE

Prices shown were those in effect on October 15, 1982. Government documents prices are subject to change without prior notice. Therefore, prices in effect when your order is filled may differ from prices on this list. Since it is not feasible to change prices shown in Government documents in print, the price printed in a document may differ from the price in effect when your order is processed.

BULLETIN INDEX-DIGEST SYSTEM

		Domestic Subscription Price	*Foreign Subscription Price*
____ Service No. 1—Income Tax (12/81)	*[BIS01—File Code 1A]*	$50.00	$62.50
____ Service No. 2—Estate & Gift Taxes (12/80)	*[BIS02—File Code 1A]*	14.00	17.50
____ Service No. 3—Employment Taxes (12/80)	*[BIS03—File Code 1A]*	14.00	17.50
____ Service No. 4—Excise Taxes (12/80)	*[BIS04—File Code 1A]*	14.00	17.50

INTERNAL REVENUE BULLETIN

		Domestic Price	*Foreign Price*
____ Subscription to weekly Internal Revenue Bulletin	*[IRB—File Code 2E]*	$95.00	$118.75

ORDER FORM Mail To: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed is $ _____ ☐ check, ☐ money order, or charge to my Deposit Account No.

☐☐☐☐☐☐-☐

Order No._____

VISA

MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the publications I have checked.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY	
Quantity	Charges
..... Enclosed	.....
..... To be mailed	.....
..... Subscriptions	.....
Postage	.....
Foreign handling ..	.....
MMOB	.....
OPNR	.....
..... UPNS	
..... Discount	
..... Refund	

Superintendent of Documents
U.S. Government Printing Office
Washington, DC 20401

First Class Mail
Postage and Fees Paid
GPO
Permit No. **G-26**

INTERNAL REVENUE BULLETIN

The Introduction on page 3 describes the purpose and content of this publication. The weekly Internal Revenue Bulletin is sold on a yearly subscription basis by the Superintendent of Documents. Current subscribers are notified by the Superintendent of Documents when their subscriptions must be renewed.

CUMULATIVE BULLETINS

The contents of the weekly Bulletin are consolidated semiannually into a permanent, indexed, Cumulative Bulletin. These are sold on a single copy basis and *are not* included as part of the subscription to the Internal Revenue Bulletin. Subscribers to the weekly Bulletin are notified when copies of the Cumulative Bulletin are available. Certain issues of Cumulative bulletins are out of print and are not available. Persons desiring available Cumulative Bulletins, which are listed on the reverse, may purchase them from the Superintendent of Documents.

BULLETIN INDEX-DIGEST SYSTEM

The Bulletin Index-Digest System provides a fast and easy way to research Revenue Rulings, Revenue Procedures, Public Laws, Treasury Decisions, and other matters of a permanent nature published in the weekly Internal Revenue Bulletin, or Cumulative Bulletin from 1953 on. It is a comprehensive and up-to-date research tool that requires no filing or other clerical maintenance. The current revision consists of four Services, available on a subscription basis, each including a basic volume that covers the period 1953-1980/1981 and a cumulative supplement covering material published in subsequent Bulletins for the following two-year period. Cumulative supplements are issued quarterly for the Income Tax Service and semiannually for the Estate and Gift, Employment, and Excise Tax Service.

HOW TO ORDER

Check the publications and/or subscription(s) desired on the reverse, complete the order blank, enclose the proper remittance, detach entire page, and mail to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Please allow two to six weeks, plus mailing time, for delivery.

GPO 900-595